

Please add new claims 32-49 as shown in the attached CLEAN COPY OF THE AMENDED AND NEW CLAIMS.

REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action dated January 28, 2003 (Paper No. 15). Upon entry of this Amendment, claims 1-12 and 29 will be pending in this application. Claims 13-28, 30, and 31 have been cancelled and new claims 32-49 have been added. The amendment to claim 10 as well as new claim 32 are supported by the specification and original claims. Newly added claims 33-49 are also supported by the original claims and the specification, for example at para. [0021] to [0024] and SEQ ID NO: 1. No new matter is incorporated by this Amendment. Furthermore, Applicants respectfully reserve the right to prosecute the subject matter of the cancelled method claims in subsequent divisional applications. Payment to cover the requisite fee associated with the additional independent claims is also attached.

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Claim 10 is rejected under 35 U.S.C. 101 as purportedly being directed to non-statutory subject matter. Applicants respectfully traverse.

Claim 10 has been amended to recite a transformed *Coryneform* bacterium comprising an isolated *sigH* gene having the polynucleotide sequence of SEQ ID NO: 1. Accordingly, the claim as amended indicates the "hand of man". Hence, the rejection is overcome and its withdrawal is respectfully requested.

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Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as purportedly containing subject matter that is not adequately described by the specification. Applicants respectfully traverse.

The Office Action asserts that claim 10 encompasses any Coryneform bacteria containing any sigH gene of any nucleotide sequence which is enhanced in activity by any modification.

In response, claim 10 has been amended to recite a transformed Coryneform bacterium comprising an isolated sigH gene having the polynucleotide sequence of SEQ ID NO: 1. Moreover, newly added claim 32 recites that the sigH gene is over-expressed. Newly added claims 33-49 also refer to nucleotide or peptide sequences which are fully disclosed by the specification. The specification teaches that when bacteria are transformed with the claimed sequences, the bacteria can be used to produce L-amino acids. Accordingly, a function of the sequences has been adequately described.

The specification also describes what is intended by the terminology "over-expressed" and teaches methods of over-expressing the sigH gene in bacteria. See para. [0024] and [0041] to [0057]. Hence, the present claims fully comply with the written description requirements and withdrawal of the rejection is respectfully requested.

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Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as purportedly indefinite. Applicants respectfully traverse.

The Office Action asserts that the term "enhanced" is indefinite. In response, claim 10 has been amended so that it no longer recites the term "enhanced." Moreover, the newly added claims also do not recite the term enhanced and fully comply with the

requirements of 35 U.S.C. 112. Accordingly, the rejection is overcome and its withdrawal is respectfully requested.

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Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 032301.205.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 032301.205.

Respectfully submitted,
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RGW/BLN

MARKED-UP PREVIOUS VERSION OF AMENDED CLAIMS

10. (Amended) A transformed Coryneform bacterium comprising [in which the] an
isolated sigH gene having the polynucleotide sequence of SEQ ID NO: 1 [is enhanced or
over-expressed].